IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 527 OF 2004

SMT.MAGDALINA DINIZ AND 2 ORS., ...Petitioners

Versus

SHRI MAHINDRA SHIVRAM DESSAI AND 2 ORS., ...Respondents

Shri M. S. Sonak, Advocate for the petitioners.

Coram:- R. M. LODHA, J.

Date:- 31st August, 2005

P.C.

Heard Mr. M.S. Sonak, the learned Counsel for the petitioners. I perused the order of the Ad hoc Addl. District Judge, at Margao (appellate Court) as well as the order of the trial Court.

2. The modification of the order dated 7.11.2002 that was passed by the trial Court, by the appeal Court by restraining the present petitioners from doing any construction in the suit property beyond 300 sq. metres of their mundkarial area cannot be said to suffer from any illegality or material irregularity. In view thereof, no interference is called for in the impugned order.

3. However, it is clarified that in the event the existing structure requires any repairs, liberty is granted to the petitioners to apply to the trial Court for necessary permission and it is observed that if such an appliction is made, the trial Court shall consider such application in accordance with law after hearing the respondents.

4. The writ petition is dismissed in limine with the aforesaid

clarification.

R. M. LODHA, J.